

Competitive Bidding Process for ADC Construction Materials

It has been determined by the Office of State Procurement that the method used in the past to bid construction materials with an estimated price of twenty-five thousand dollars (\$25,000) or more under **Competitive Sealed Bidding** (ACA §19-11-229) has the potential for violation of the State Procurement Law. In the near future OSP intends to shift such procurements to the method of **Special Procurements** (ACA §19-11-263). As the ADC utilizes inmate labor to construct various correctional facilities and projects at a significant cost savings to the State, the following procedures are necessary to enable the ADC to utilize a standard and nationally recognized method of procuring construction materials.

ADC will insure that all projects undertaken will conform to the following additional Arkansas Codes: ACA §22-9-101, **Observation by Registered Professionals Required** and §19-4-1404, **Forces Employed**, and ABA Minimum Standards and Criteria regarding review of all site plans and drawings and specification used in the performance of the work by ADC. ADC will also insure that all work performed by ADC is inspected by those authorized under proper jurisdiction, including but not limited to the State Health Department for plumbing and HVACR and the Arkansas Dept of Labor for electrical work and elevators.

ADC will initiate the Special Procurements Process by submitting to OSP a Purchase Request for competitive sealed bids referencing items to be procured as stipulated in Design Professional Plans and Project Manual. The Special Procurements Request for Quotation will clarify that bidders shall be responsible for obtaining, at bidder's expense, and reviewing the Professional Plans and Project Manual. The Plans and Project Manual will be made available at a local Plan House and bidders will have the option of purchasing or placing a returnable deposit for applicable Plans and Project Manual if they are returned in good condition. Bidders will be required to submit confirmation of review with their bids.

Bids shall be opened by OSP. OSP shall issue an "Intent to Award" contingent upon Design Professional approval to the apparent low bidder and request ADC/ADC's Design Professional to determine if the bid conforms to the Professional Plans and Project Manual. The apparent low bidder shall then be required to provide "Submittals" of all items per the Professional Plans and Project Manual to the Design Professional for approval. (Note: the Project Manual shall conform to the CSI (Construction Specification Institute), the internationally recognized construction standard) Submittals that do not fall within the specifications of the Project Manual **shall not be approved**. The apparent low bidder will provide all required Submittals at bidder's expense. Copies of all submittals shall be retained by the Design Professional/ADC and OSP will be provided with the recommendation for final award. Should the apparent low bidder provide submittals that do not conform to the Professional Plans and Project Manual as determined by the Design Professional, the bid will be deemed non-responsive and ADC will notify OSP to rescind the Intent to Award and reissue a new "Intent to Award" to the next apparent low bidder.

Summaries of these "special" procurements with any comments by the Director of OSP will be forwarded each month to the Legislative Council, as required by ACA §19-11-263.

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This addendum to the competitive bidding process for ADC construction materials supplements the original process initiated in November 2003:

Vendors will be responsible for bidding on quantities and complying with the brief description of the items both of which will be provided by ADC. The ADC provided specifications will be included within the solicitation. Vendors are also responsible for compliance with the item(s) description which appears in the project manual. In the case of differences between what ADC has specified and what is in the project manual, the specifications provided by ADC, contained in the solicitation, will take precedence.